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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/978,213 | 10/17/2001 | Takeshi Yasumoto | 684.3266 | 4502 |
| 5514 | 7590 | 10/16/2003 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | BRASE, SANDRA L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2852 | |
| DATE MAILED: 10/16/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/978,213 | YASUMOTO ET AL. |
| | Examiner Sandra L. Brase | Art Unit 2852 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 7/2/03 and 8/4/03.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 and 39-51 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9-36, 39-48, 49/9, 50 and 51 is/are allowed.
- 6) Claim(s) 1-8 and 49/1 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/2/03 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8 and 49/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Azuma et al. (US 6,035,159).

Azuma et al. (...159) disclose a drive transmission apparatus for transmitting a driving force to a member to be driven (18) having a flange member (19) fixed to the member to be driven, comprising: a first coupling portion (20) having a polygonal shape (col. 6, lines 11-17); a second coupling portion (22) having a hole portion (21) which has a cross-sectional configuration larger than the first coupling portion, the hole portion being engageable with the first coupling portion (col. 6, lines 9-28); and a center shaft (25) provided on the second coupling and penetrating the first coupling and rotatable integrally with the first and second coupling

portions (col. 7, lines 25-32; col. 11, line 55 – col. 12, line 10; and figures 9-13); wherein the first coupling portion receives the driving force and is integral with the flange member (col. 13, line 51 – col. 14, line 3). The first coupling portion receives a driving force from the second coupling portion (col. 6, lines 29-36; and col. 7, lines 37-44). The first coupling portion has a twisted projection having a polygonal cross-section (col. 6, lines 11-17). The hole portion of the second coupling portion has a twisted polygonal cross-section (col. 6, lines 17-22). The second coupling portion is movable in an axial direction of the center shaft, and is provided with an urging means (26) for urging the second coupling in the axial direction of the center shaft (figures 9-13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azuma et al. (US 6,035,159) in view of Nagasue et al. (US 5,768,656).

Azuma et al. (...159) disclose the features mentioned previously, but do not disclose the center shaft having the claimed taper configuration. Nagasue et al. (...656) disclose a center shaft (36) having a taper configuration at the end portion (figures 2, 3, 5 and 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the center shaft have a taper configuration at the end since such a configuration for a center shaft is well known in the art, as disclosed by Nagasue et al. (...656).

Allowable Subject Matter

6. Claims 9-36, 39-48, 49/9, 50 and 51 are allowed.

Response to Arguments

7. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues that Azuma et al. (US 6,035,159) do not disclose a drive transmission apparatus in which one of the first coupling portion and the second coupling portion receives the driving force and is integral with a flange member fixed to a member to be driven; however, Azuma et al. (...159) disclose all of these features as explained in the rejection above.

Contacts | Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-3101.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Sandra L. Brase
Primary Examiner
Art Unit 2852

October 14, 2003